

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA SUE ADKINS, et al.,

Plaintiffs,

v.

APPLE INC, et al.,

Defendants.

Case No. [14-cv-01619-WHO](#)

**ORDER GRANTING LEAVE TO FILE
SECOND AMENDED COMPLAINT,
REQUIRING MEET AND CONFER
AND SETTING CASE MANAGEMENT
CONFERENCE**

Re: Dkt. Nos. 110, 112

Plaintiffs have moved to file a Second Amended Complaint. *See* Mot. (Dkt. No. 110). Defendants do not oppose the motion, but are concerned that the manner in which the litigation is being conducted is inconsistent with the orderly and efficient resolution of the case and is causing a significant and unnecessary burden on defendants. The defendants have requested that the Court set a Case Management Conference and enter an order prohibiting plaintiffs from making any further amendments to the complaint or adding any additional plaintiffs “absent a grave and unforeseeable change of circumstances.” *Oppo*. at 5 (Dkt. No. 112).

Given that there is no opposition, I GRANT plaintiffs’ motion to file the Second Amended Complaint. Defendants shall have 30 days from the date of this Order to respond. The hearing date of January 21, 2015 is VACATED.

I further set this matter for a telephonic Case Management Conference on **January 20, 2015** at 3:00 p.m. The parties shall contact Ms. Davis, Courtroom Deputy, no later than January 15, 2015 to make arrangements for the call. Prior to the call, the parties shall:

1. Meet and confer to agree on the date of the deposition of Ms. Galindo and the retail store employee with whom she spoke;
2. Meet and confer to agree on the discovery that is necessary for the class certification

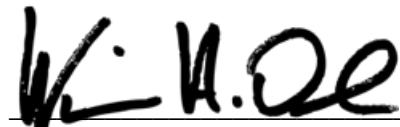
1 motion. In this regard, the parties should realize that I do not intend to delay the date
2 of filing the motion for class certification (May 29, 2015). My prior instruction stands:
3 discovery prior to the motion need not be bifurcated between certification and merits,
4 but should be “tethered,” or focused, on certification.

- 5 3. By 9:00 a.m. on January 20, 2015, the parties shall file a joint letter of not more than
6 five pages in ECF describing the agreements reached on the discovery issues and any
7 competing proposals regarding discovery matters to which the parties have been unable
8 to agree. The letter should list any other matters that you would like to discuss at the
9 Case Management Conference.

10 I am unaware of the standard defendants suggest to discourage amendments and the further
11 substitution of plaintiffs. I will instead abide by the Federal Rules of Civil Procedure. I ORDER
12 that the last day to amend the complaint is February 3, 2015.

13 **IT IS SO ORDERED.**

14 Dated: January 13, 2015

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16 WILLIAM H. ORRICK
17 United States District Judge
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